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DATE: ~~November 12, 2004~~
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Examiner: **Michael C. Astorino**
U.S.P.T.O. Group Art Unit: **3736**
Telecopier No.: **703-872-9306**
U.S. Serial No.: **10/762,897**
Client/Matter No.: **CELG-0401**
Sender's Name: **Angela Verrecchio**
Pages to Follow: **10**

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COVER MESSAGE.

OFFICIAL FACSIMILE. PLEASE DELIVER TO EXAMINER IMMEDIATELY.

Attached hereto is/are the following documents:

- 1) Reply Transmittal Letter with authorization to charge deposit account No. 23-3050 for Terminal Disclaimer, with Certificate of Facsimile Transmission
- 2) Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent
- 3) Reply Pursuant to 37 CFR 1.111, with Certificate of Facsimile Transmission

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU

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DOCKET NO.: CELG-0401

NOV 12 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Marc Elsayed and Bruce Williams

Confirmation No.: 5433

Application No.: 10/762,897

Group Art Unit: 3736

Filing Date: January 22, 2004

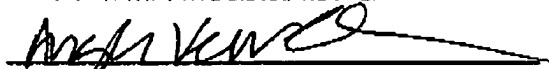
Examiner: Michael C. Astorino

For: **Methods For Delivering A Drug To A Patient While Preventing The Exposure Of A Foetus Or Other Contraindicated Individual To The Drug**

CERTIFICATE OF FACSIMILE TRANSMISSION

DATE November 12, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING
FACSIMILE TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE TO FACSIMILE NUMBER 703-
872-9306 ON THE DATE LISTED ABOVE.


Angela Vertecchio REG. NO. 54,510

☒ MS Amendment ☐ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated September 8, 2004.
- ☐ An Amendment Supplemental to the Paper filed
- ☐ A Substitute Specification (pages 1 -) in clean form.
 - ☐ A substitute specification (pages 1 -) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.

DOCKET NO.: CELG-0401

PATENT

- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.
- ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☒ A Terminal Disclaimer is attached.
- ☐ Appendices as follows:
- ☐ Other
- ☐ No Additional Fee is Due.
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

DOCKET NO.: CELG-0401

PATENT

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	16	20 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	1	3 (3 MINIMUM)	0	\$44 EACH	\$	\$88 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$150	\$	\$300	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$215	\$	\$430	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$490	\$	\$980	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$765	\$	\$1530	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1040	\$	\$2080	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$0)
<input checked="" type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$110.00
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$110.00

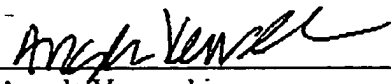
- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☒ Please charge Deposit Account No. 23-3050 in the amount of \$110.00. This sheet is attached in duplicate.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of to and through comprising an extension of the shortened statutory period of month(s).

DOCKET NO.: CELG-0401

PATENT

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: 11/12/04


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Registration No. 54,510

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